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MAY 12 1999

REQUEST FORM FOR CONTINUED PROSECUTION APPLICATION
UNDER 37 C.F.R. § 1.53(d)

Group 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Attorney Docket No.: 027/43042
Prior Appln. Ser. No.: 08/743,002
Filed: November 1, 1996
Inventor(s) Herbert DAMSOHN et al.
Examiner: L. Leo
Group: 3743

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a X continuation or _____
divisional application under 37 C.F.R. § 1.53(d) of the prior
application identified above.

The above-identified prior application, in which no payment
of the issue fee, abandonment of, or termination of proceedings
has occurred, is hereby expressly abandoned as of the filing date
of this new application. Please use the prior application file
jacket and all the contents of the prior application, including
the specification, drawings, and oath or declaration as the basic
papers for the new application.

- ____ 1. Please enter the unentered amendment previously
filed on _____ under 37 C.F.R. §
1.116, in the prior application.
- ____ 2. A preliminary amendment is enclosed.
- ____ 3. This application is filed by fewer than all the
inventors named in the prior application:

05/18/1999 R BARBOUR 00000001 051323 08743002
01 FC:101 760.00 CH

Delete the following inventor(s) named
in the prior application: _____

b. _____ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. A new Power of Attorney is enclosed.

5. Small entity status:

a. _____ A small entity statement is enclosed

b. _____ A statement of small entity status was filed on _____ in the prior application and status as a small entity is still proper and desired.

c. _____ Is no longer claimed

5. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above:

CLAIMS AS FILED, INCLUDING ANY CLAIMS
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT

| | | |
|---|--------------------------------|-----------------------|
| Basic Fee | \$395 | \$760 |
| Total Claims <u>22</u> - 20 = <u>2</u> x 11 = \$_____ 18 = \$ <u>36</u> | | |
| Ind. Claims <u>3</u> - 3 = <u>0</u> x 41 = \$_____ 82 = \$ _____ | | |
| <u> </u> Multiple Dependent Claims | + 135 = \$_____ 270 = \$ _____ | |
| | Total | \$_____ <u>796.00</u> |

6. The filing fee is being deferred at this time.

7. A check in the amount of \$_____ to cover the filing fee is enclosed.

8. The Commissioner is authorized to charge any fee which may be required under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #).

9. Priority of Appln. No(s). 195 40 683.4, filed in Germany on November 1, 1995, is hereby claimed under 35 U.S.C. § 119.

10. A certified copy of each said priority document was filed in application Serial No. 08/743,002

on November 1, 1996.

X 11. The prior application is assigned of record to BEHR GmbH & Co..

X 12. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169; Corinne M. Pouliquen, Reg. No. 35,753; and Paul A. Schnose, Reg. No. 39,361.

X a. The power appears in the original application papers in the prior application.

 b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.

 c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.

X d. Address all future correspondence to:

EVENSON, McKEOWN, EDWARDS
& LENAHAN, P.L.L.C.
1200 G Street, N.W.
Suite 700
Washington, DC 20005

X 13. Return Receipt Postcard.

 14. Other _____

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application pursuant to 37 C.F.R. § 1.14, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

A petition for Two Month Extension of Time is being filed concurrently herewith.

However, the filing fee in the continued prosecution application is being deferred at this time.

Respectfully submitted,

Date:May 10, 1999

Paul A. Schnose
Paul A. Schnose
Registration No. 39,361

PAS/glh

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